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REPORT OF THE

CONGRESSIONAL

INVESTIGATING COMMITTEE

The SPECIAL COMMITTEE appointed to investigate the troubles in the TERRITORY OF KANSAS, having performed the duties required by the House, beg leave to submit the following

REPORT.

Committee is selected from the testimony that one over 100 of those who voted had any right so to do having a legal vote

The election in the 8th District was held at Lemon Creek It was then a small village on the Lemon Creek road in the Yakutat Mountains There were registered only 50 voters but in the district but the majority remained otherwise. The [illegible] then the city of the district a good many [illegible] [illegible] [illegible]

the Kansas-Nebraska bill, from the fact that they were present on the ground on the day of election

The Free State men generally did not vote, and those who did vote, voted generally for John H. Whitehead, Pro-Slavery, for Council, against Major Wm. F. Richardson, and did not vote at all for members of the Lower House.

The pattern were pretty nearly equally divided on the District some being of opinion that the Free State party had a small majority, and others that the Pro-Slavery party had a small majority. After the election was over, and the polls were closed, the Blue Lodge was returned home, During the day they had put themselves in a state of expense to all.

Missouri extra 7.

The evening before the election, some [illegible] Platte, Ray, Jackson, Kaline and Clay Counties, M[illegible] election, with tents, wagons, waggons and [illegible] the place of election. They said they came to vote [illegible] State and would not be driven off by any [illegible]

On the morning of the election, the Judges appointed [illegible] Missourians with [illegible] the Judges appointed [illegible] Missourians [illegible] Platte City [illegible]

[illegible]

[illegible]

[illegible]

[

All Jurors are required to be selected by the Sheriff, and "no person who is conscientiously opposed to the holding of slaves, or who does not admit the right to hold slaves in the Territory, shall be a Juror in any causes" affecting the right to hold slaves or relating to slave property.

The Slave Code, and every provision relating to slaves, are of a character intolerant and unusual even for that class of legislation. The character and conduct of the men appointed to hold office in the Territory contributed very much to produce the events which followed. Thus, Samuel J. Jones was appointed Sheriff of the County of Douglas, which included within it the 1st and 2d Election Districts. He had made himself peculiarly obnoxious to the settlers by his conduct on the 30th of March, in the 2d District, and by his burning the cabins of Joseph Oakley and Samuel Smith.

An election for delegates to Congress, to be held on the 1st day of October, 1855, was provided for with the same rules and regulations as were applied to other elections. The Free State men took no part in this election, having made arrangements for holding an election on the 9th of the same month. The citizens of Missouri attended at the election of the 1st of October, some paying the dollar tax, others not being required to pay it. They were present and voted at the voting places of Atchison and Douglas, in Atchison County; at Oxford Springs, Johnson County; at Wilmington Springs, Franklin, and Lecompton, in Douglas County; at Fort Scott, Bourbon County; at Baptiste Peoli, Labette County, where some Indians voted, some white persons paying the poll tax for them; at Leavenworth City, and Kickapoo City, Leavenworth County; at the latter place and the head of General H. P. Shingleton and Col. Lewis Barnes, of Missouri. From each of the election precincts, at which it was alleged there was illegal voting, viz: Delaware No. 1, Wyandot, your Committee failed to obtain the attendance of witnesses. Your Committee did not deem it necessary to proceed to the election to enter into details, as it was manifest that in no event could the result have been changed. Whether there should have been a majority of the votes cast. This election, therefore, depends not on the number of the votes polled, but upon the validity of the laws under which it was held. From many reports of witnesses taken in show that the votes of citizens of Missouri were given at this election, as at all former elections in the Territory. The following table will exhibit the result of the investigation as to the number of legal and illegal votes at this election. The Fifth District, and the vote as set forth in the [illegible] ity of the votes there cast, were either illegal or fraudulent. [illegible] Committee to which it was referred, [illegible] the vote cast, as near as the [illegible]

[illegible]

[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]
[illegible]	[illegible]	[illegible]	[illegible]

[illegible] and Buckley were burned, but by whom is left in doubt by the testimony.

On the morning of the rescue of Franson, Jones was at the village of Franklin, near Lawrence. The rescue was spoken of in the presence of Jones, and some conversation passed between two others in his presence, as to whether it was not proper to send for some one to tell Boone, in Missouri, of the [illegible]. Jones mildly interposed and handed it to a messenger. As soon as he started, Jones said, "That man is taking my deposite to Missouri, and by God I will have revenge before I see Missouri." A person present, who was examined as a witness, complained publicly that the depositions were taken by Jones, through fear of [illegible]

To avoid a similar outrage at the election for State officers, &c., to be held on the 15th of January, 1856, the election for Lawrence with District was appointed to be held at Easton, and the time postponed until the 16th of January, 1856. On the way to the election, persons were stopped by a party of men at a grocery, and their votes taken from them. Leaving the others, Fuller rode up to the place of election and threatened to destroy the ballot box, and were guilty of other insolent and abusive conduct. After the polls were closed, many of the settlers having apprehensions of violence, were armed on the ground where the election had been held, until the next morning. Late that night, Hezekiah Smith, who had been [illegible] and captive, started for home, his wife following by the road on a [illegible]

instead of protecting the people, were in some instances engaged in these outrages, and in no instance did we learn that any man was arrested, indicted or punished for any of these crimes. While such outrages were committed with impunity, the laws were used as a means of subjecting men for holding elections, pertinently to Kansas & thus assessing and applying the information into the Union as the State of Kansas. Charges of high treason were made against persons for [illegible] and intimidation, and under these charges they were held in custody and [illegible] their persons at least [illegible] were arrested on the charge of [illegible]

[illegible]

W. Whitfield, holds his seat, was not held in pursuance of any valid law, and that it should be regarded only as the expression of the choice of those resident citizens who voted for him.

Fifth—That the election under which the contesting delegate, Andrew H. Reeder, claims his seat was not held in pursuance of law, and that it should be regarded only as the expression of the choice of the resident citizens who voted for him.

Sixth—That Andrew H. Reeder received a greater number of votes of resident citizens than John W. Whitfield, for delegate.

Seventh—That in the present condition of the territory a fair election can not be held without a new census, a stringent and well-guarded election law, the selection of impartial judges, and the presence of the United States troops at every place of holding elections.

Eighth—That the various elections held by the people of the territory preliminary to the formation of the State Government, have been as regular as the disturbed condition of the territory would allow, and that the constitution framed by the Convention, held in pursuance of said elections, meets with the will of a majority of the people.

As it is not the province of your Committee to suggest remedies for the existing troubles in the Territory of Kansas, they submit them before with the foregoing statement of facts. All of which is respectfully submitted.

WM. A. HOWARD,
JOHN WILLIAMS.

July 1st, 1856.

☞ The testimony accompanying the foregoing Report, and on which all the facts set forth are fully sustained, has been printed by order of Congress, and fills a book of nearly twelve hundred pages—rather large, of course, for general circulation. The below are the names of the principal witnesses whose depositions and letters form the testimony proper:

[illegible]

THE
BORDER RUFFIAN CODE
IN KANSAS.

WHO MAY NOT BE JURORS.

[illegible]

THE CHAIN AND BALL.

The second section of Chapter 22, entitled "*An Act Providing a System of Confinement and Hard Labor*," is as follows:

SEC. 2. Every person who may be sentenced by any court of competent jurisdiction, under any law in force within this Territory, to punishment by confinement and hard labor, shall be deemed a convict, and shall immediately, under the charge of the keeper of such jail or public prison, or under the charge of such person as the keeper of such jail or public prison may select, be put to hard labor, as in the first section of this act specified, and such keeper or other person, having charge of such convict, shall cause such convict, while engaged at such labor, to be securely confined by a chain six feet in length, of not less than four sixteenths nor more than five eighths of an inch links, with a round ball of iron, of not less than four nor more than six inches in diameter, attached, until such chain shall be securely fastened to the ankle of such convict, with a strong lock and key; and such keeper of other person, having charge of such convict, may, if necessary, confine such convict, while engaged at hard labor, by reasonable chains of other more secure fastening, as in his judgment may seem most proper for the purpose; and when there shall be use or necessity for the discharge of such keeper, or other person, such convict may be fastened together by strong chains, at proper distance, having the last such convict in chain a ball and chain at the end of any jail or prison.

SUSPENDING THE WRIT OF HABEAS CORPUS.

The [illegible] of Chapter 12, of "An Act Regulating Proceedings on Writs of Habeas Corpus," is as follows:

[illegible]

TEST OATH.

[illegible]

ATTORNEYS AT LAW: QUALIFICATION.

[illegible]

[illegible] AND PLEADINGS.

[illegible]

other offence punishable under the provisions of this act only by fine or imprisonment in a county jail, or by both such fine and imprisonment, he shall, instead of such punishment, be punished, if a male, by stripes on his bare back not exceeding thirty-nine, or if a female, by imprisonment in a county jail not exceeding twenty days, or by stripes not exceeding twenty one, at the discretion of the Justice.

SEC. 2. Every slave charged with the commission of any of the offences specified in the last section, shall be tried in a summary manner before a justice of the peace of the county in which the offence was committed, and if convicted thereof, shall be punished as provided in the last section.

CHAPTER 161.—SLAVES.

AN ACT TO PUNISH OFFENCES AGAINST SLAVE PROPERTY.

[illegible]